

Entered - 11/02/00 - sb
CL00L0669 - DIANNE C. MITCHELL

CLAIM OF: HARRY'S PHOTOGRAPHY
42 Forsyth Street
Atlanta, Georgia 30303

For damages alleged to have been sustained as a result of sewer back
ups occurring at 42 Forsyth Street in November and December, 1999.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell by RRG/DA
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0669

Date: November 15, 2000

Claimant /Victim HARRY'S PHOTOGRAPHY

BY: (Atty) (Ins. Co.) _____

Address: 42 Forsyth Street, Atlanta, Georgia 30303

Subrogation: _____ Claim for Property damage \$ 37,599.10 Bodily Injury \$ _____

Date of Notice: 10/23/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____

Date of Occurrence November and December 1999 Place: 42 Forsyth Street

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that its property was damage due to sewer back ups occurring in November and December, 1999. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months X Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 11-15-00

Committee Action: _____ Council Action _____

Mitchell
11/01/00

COUNCIL of the CITY OF ATLANTA
CLERK OF COUNCIL
68 Mitchell Street, SW
Atlanta, Georgia 30333

RE: CLAIM FOR DAMAGES

DATE: 10-19-2000

ENTERED - 11-2-00 - SB

00L0669 - DIANNE MITCHELL

Dear Sir:

This is to notify the City of Atlanta that I have suffered damages in the sum of \$37,544.10 property and/or \$n/a bodily injury for which I contend the City is liable.

1. Date of accident: Nov. & Dec. 1999 2. Police called: _____
(yes) (no)
3. Location of accident: 42 Forsyth Street
4. Name of your insurance company: n/a
5. State how accident occurred: City working on street damaged pipes & raw sewage flooded site on 2 (2) different occasions.
6. If a vehicular accident, complete the following and attach two (2) estimates of repair. ALL ESTIMATES AND VEHICLE DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE STATEMENTS WILL RESULT IN YOUR CLAIMS BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION! The registered owner must make the claim for vehicle damages.
7. Your vehicle: n/a
(make) (year) (tag#) (driver's name)
8. City vehicle: n/a
(make) (year) (tag#) (drivers name)
9. Witness: Joseph Gamble 404/624-0153 - City Employee
(name) (phone) (address)
10. The knowledge of this claim in no way waives the Governmental Immunity of the City of Atlanta, as granted by State Law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

I HEREBY CERTIFY THE ABOVE INFORMATION IS TRUE AND CORRECT.

11. THIS CLAIM SHOULD BE MAILED IMMEDIATELY TO THE ADDRESS SHOWN ABOVE

Darryl's Photography
(claimant)
42 Forsyth Street
(address)
Atlanta GA 30303
(City) (State) (zip)
404 691-1434 4/688-2815
(home) (phone) (work)

HARRY'S PHOTOGRAPHY

42 Forsyth Street
Atlanta, Georgia 30303

404/688-2815

Ben Harry
Owner

Please be advised that the property and damages were inspected by Joseph Gamble (404 624-0753 and Alan Moore (404 299-4549) both of the Department of Public Works.

A claim was not submitted before now because we were not confident that this would not happen again. We had been assured after the first flood of raw sewage in November that the problem had been solved. A few weeks later we were flooded ten times worse than the first. Now that it seems that the city has completed its major work in this area, we believe that the danger of being flooded again has passed.

Please feel free to contact me, Ben Harry as follows:

Studio Location ... 404/688-2815
Operations 404/691-1434

My assistant, Miss A. Davis, can be reached as follows:

404/799-3020
678/492-8799
404/799-3020 FAX


Ben Harry - Owner

00-R-1923